Subject: Your application for access to documents – Ref GestDem No 2020/6996

Dear Mr Stolton,

We refer to your request for access to documents dated 17 November 2020, registered on the same date under the above-mentioned reference number.

You have requested:

- All communication between the Commission's Regulatory Scrutiny Board and any of the following Commission DGs: DG GROW, DG COMP, DG CONNECT, on the subject of the Digital Services Act and/or the Digital Markets Act. This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts.

- All communication between the Commission's Regulatory Scrutiny Board and the cabinets of either Executive Vice-President Margrethe Vestager or Commissioner Thierry Breton on the subject of the Digital Services Act and/or the Digital Markets Act. This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts.

We have identified the following documents as being concerned by your application:

1. Quality checklist by the RSB - DMA – Ares(2020) 6107919;
2. Quality checklist by the RSB - DSA – Ares (2020) 6108087;
3. Invitation email by the RSB – DMA - ARES(2020)7346697;
4. Invitation email by the RSB – DSA - ARES(2020)7346877;
5. Written response on the quality checklist DMA and annex - ARES(2020)7350223;
11. Upstream meeting with RSB on DSA – e-mail and attached minutes - ARES(2020)7350637;
12. Upstream meeting with RSB on new competition tool – e-mail and attached minutes - ARES(2020)7350499.

I draw your attention to the fact that the opinions of the Regulatory Scrutiny Board (documents (7) and (8)) and the final versions of the impact assessments have been published on the Commission’s website:

https://ec.europa.eu/transparency/regdoc/?fuseaction=ia

I enclose a copy of the documents you have requested. Please note that in line with Article 4(1)(b) of Regulation (EC) No 1049/2001 personal data in the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) of this Regulation. This relates to names and/or coordinates of representatives of the Commission who do not hold a management position.

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (‘Regulation 2018/1725’).

In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels
or by email to: sp-acc-doc@ec.europa.eu.

Yours sincerely,

Michael Wimmer

Enclosure: 25 annexes